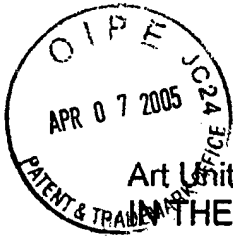


APR 08 2005



Art Unit 3721

Examiner Paul R. Durand

Paper No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

28,460-A

Applicant: Kenneth Kutner

Serial No.: 10/786,929

**NOTICE OF APPEAL**

Filed: 02/26/2004

Commissioner for Patents  
P. O. Box 1450 - Mail Stop Fee Amendment  
Alexandria, VA 22313-1450

Sir:

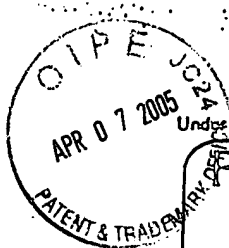
In connection with the above-captioned application, Examiner hereby  
appeals to the Board of Patent Appeals and Interferences from the final rejection of the  
Examiner dated January 11, 2005 rejecting claims 1 to 3, inclusive.

The appeal fee is transmitted herewith. Oral hearing is waived.

Respectfully,

  
Charles E. Temko  
Attorney for Applicant

22 Marion Road  
Westport, CT 06880  
(203) 227-7368



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Approved for use through 09/30/2000, OMB 0851-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 1999

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SD/09-12.  
See 37 C.F.R. §§ 1.77 and 1.78.

TOTAL AMOUNT OF PAYMENT (\$)**500**

## Complete if Known

Application Number	101/24,929
Filing Date	2/26/94
First Named Inventor	Kenneth R. Korman
Examiner Name	Durand, Paul E.
Group / Art Unit	3721
Attorney Docket No.	28,460-17

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number **20-0435**

Deposit Account Name **Temco + Temko**

☒ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

	Large Entity	Small Entity	Fee Description	Fee Paid
	Code (\$)	Code (\$)		
101	760	201 300	Utility filing fee	
106	310	206 155	Design filing fee	
107	480	207 240	Plant filing fee	
108	760	208 300	Reissue filing fee	
114	150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

\*\*or number previously paid, if greater; For Reissues, see below

### Large Entity Small Entity

	Large Entity	Small Entity	Fee Description	Fee Paid
	Code (\$)	Code (\$)		
103	18	203 9	Claims in excess of 20	
102	78	202 39	Independent claims in excess of 3	
104	260	204 130	Multiple dependent claim, if not paid	
109	78	209 39	** Reissue independent claims over original patent	
110	18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

	Large Entity	Small Entity	Fee Description	Fee Paid
	Code (\$)	Code (\$)		
105	130	205 65	Surcharge - late filing fee or oath	
127	50	227 25	Surcharge - late provisional filing fee or cover sheet	
139	130	139 130	Non-English specification	
147	2,520	147 2,520	For filing a request for reexamination	
112	920*	112 920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115	110	215 55	Extension for reply within first month	
116	380	216 190	Extension for reply within second month	
117	870	217 435	Extension for reply within third month	
118	1,360	218 680	Extension for reply within fourth month	
128	1,850	228 925	Extension for reply within fifth month	
119	300	219 150	Notice of Appeal	250
120	300	220 150	Filing a brief in support of an appeal	250
121	260	221 130	Request for oral hearing	
138	1,510	138 1,510	Petition to institute a public use proceeding	
140	110	240 55	Petition to revive - unavoidable	
141	1,210	241 605	Petition to revive - unintentional	
142	1,210	242 605	Utility issue fee (or reissue)	
143	430	243 215	Design issue fee	
144	580	244 290	Plant issue fee	
122	130	122 130	Petitions to the Commissioner	
123	50	123 50	Petitions related to provisional applications	
126	240	126 240	Submission of Information Disclosure Sheet	
501	40	501 40	Recording each patent assignment per property (times number of properties)	
146	760	246 380	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	760	249 380	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**500**

## SUBMITTED BY

Name (Print Type) **Charles E. Temko**  
Signature **Charles E. Temko**

Registration No. (Attorney/Agent) **281**

## Complete if applicable

Telephone **203 421-1318**  
Date **4/7/95**

Burdens Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.